

REMARKS

Claims 3, 18, 20, 21, 23, 24, 36-40, and 43-45 are pending.

Certified English Translation of Priority Document

Applicant files herewith an English translation of Dutch foreign priority document NL1017060, along with a certification by the translator that the English translation is accurate.

Information Disclosure Statement

Applicant files herewith a Supplemental Information Disclosure Statement and asks the Examiner to consider the references cited therein. The Supplemental Information Disclosure Statement includes several references in the German language. English translations are attached to each of the German language references. Either the entire reference is translated, or portions which were relied upon in opposition proceedings brought against corresponding European Patent EP1347787B1, and hence caused the references to be listed, are translated.

Claim Rejections: 35 U.S.C. § 102

Claims 3, 18, 20, 21, and 43-45 were rejected under 35 U.S.C. § 102(b) as reciting subject matter anticipated by U.S. Pat. App. Pub. No. 2002/0155961 (U.S. Ser. No. 10/044,373) to Schwind et al. ("Schwind"), now U.S. Pat. No. 7,135,442.

Applicant asks the Examiner to reconsider and withdraw this rejection because the cited reference is not available as prior art under § 102(b). The present application is a continuation of PCT/NL02/00012, which was filed January 9, 2002. The PCT application designated the United States, and so it is considered a patent application in the United States pursuant to 35 U.S.C. § 363. The present application, therefore, was effectively filed in the United States on January 9, 2002. Schwind was published on October 24, 2002, after the present application's effective U.S. filing date, so it cannot be prior art under 35 U.S.C. § 102(b).

In view of the potential of an interference existing between the present application and Schwind, the Examiner may wish to consider the pending claims under 35 U.S.C. § 135(b)(2) in view of Schwind's pre-grant application publication.

Respectfully submitted,
FOLEY HOAG LLP

Date: January 23, 2007
Customer No: 25181
Patent Group
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210-2600

/SCOTT E. KAMHOLZ/

Scott E. Kamholz
Reg. No. 48,543
Attorney for Applicants